



**MINISTRY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

**STATE SECRETARY CABINET**

12, Libertății Boulevard, sector 5, RO – 040129, Bucharest

Tel. 021 316.60.57 Fax: 021 319.46.00

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**Ref: Comments on the Terms of Reference (ToR) for the EIA Report concerning the realization of "Low sulphur crude oil processing plant with annual capacity of 66 000 tons"**

**Dear Mr. Deputy Minister,**

Further to your letter dated 15 July 2008, received by us on 25 July 2008 we would like to express our comments in order to complete the ToR for the above mentioned project according to Article 3 and 5 of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context:

- Justify the chosen alternative of the project from the environmental protection point of view
- The EIA Report should contain an assessment of the impact of the proposed project on protected species of wild fauna and flora and on Natura 2000 sites, sites of protected birds especially those which are downstream the refinery, including on the Romanian ones, in conformity with the Communitarian legislation in force and with the commitments under the international Conventions. Romanian Natura 2000 sites located downstream are:

ROSPA 0102 – Suhaia

ROSPA 0108 – Vedeia Danube

ROSCI0088 – Gura Vedei – Saica – Slobozia

ROSPA0090 - Ostrovu Lung-Gostinu

ROSPA0038 - Danube-Oltenita

ROSPA0021 - Ciocanesti-Danube

ROSPA0055 – Galatui Lake

ROSPA0105 – Mostistea Valley

ROSPA0022 – Comana

ROSCI0131 - Oltenița-Mostistea-Chiciu

ROSCI0043 - Comana

ROSCI0138 – Bolintin Forest

ROSCI0106 –Middle Waterside of Arges

We attach the map of downstream Natura 2000 sites to the present letter.

**Mr. Chavdar GEORGIEV**

**Deputy Minister**

**Ministry of Environment and Water**

**Bulgaria**

- The EIA Report should contain a monitoring programme for species and habitats within official designated Natura 2000 sites which are in the neighbourhood of the refinery, as the designation as such is according to the requirements of the Council Directive 92/43/EEC of 21 May 1992 *on the conservation of natural habitats and of wild fauna and flora* and Council Directive 79/409/EEC of 2 April 1979 *on the conservation of wild birds*;
- A map attached to the EIA Report presenting the location of the project in reference with the natural protected sites in a transboundary context - both Romanian and Bulgarian Natura 2000 sites, as they are part of Natura 2000 European Network
- When placing on the market dangerous substances and chemicals, the operator is obliged to respect Directive 2006/121/EC of the European Parliament and of the Council of 18 December 2006 amending Council Directive 67/548/EEC *on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances* in order to adapt it to Regulation (EC) No 1907/2006 *concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency*, especially the provisions of Article 67, paragraph 1 from the Regulation: "*A substance on its own, in a preparation or in an article, for which Annex XVII contains a restriction shall not be manufactured, placed on the market or used unless it complies with the conditions of that restriction. This shall not apply to the manufacture, placing on the market or use of a substance in scientific research and development. Annex XVII shall specify if the restriction shall not apply to product and process orientated research and development, as well as the maximum quantity exempted.*"
- Significant adverse impact that may likely be caused by the project, secondary effects cumulated with other activities placed in that area and which are in progress, synergic effects on short, medium and long time, permanent and temporary, positive and negative, including on aspects as: biodiversity, population, human health, fauna, flora, soil, water, air, climate factors.
- Taking into account that the structures of Chapter 3 and 4 are very similar, references on cultural heritage that will be significantly affected by the investment proposal, assessment of the potential significant effects on the population and the use of natural resources and the emissions of harmful substances during normal operation and under emergency situations, waste generations and discomfort creations should be aggregated into a single Chapter.
- In the description of the location (site no. 1) of the two projects should be also included a description of historical pollution of location, taking into consideration the industrial activities from the past on this site and to analyze the possible impact of entropic activities upon shallow ground water.
- Taking into account the use of chemicals in both projects (especially organic volatile compounds and also inorganic compounds) the EIA report should contain a risk assessment for all substances used in technological processes or which can be discharged into water by accidental pollution during construction, operation and maintenance periods. The risk assessment should establish the class of risk for all chemicals and index of risk (WRI) taking into account the annually total quantity of each used or produced substances in accordance with the ICPDR methodology.
- The presentation of each technological process should be accompanied by the management of waste water and waste from these processes and the storage possibilities and storage installations until the further processing should also be indicated. Also, the activities for storage and supply of raw materials and fuels on site 2, and the solutions for handling and transport should be clear detailed.

- Taking into account the national harmonized water quality legislations with European provisions from Romania and Bulgaria and the provisions of Water Framework Directive, it should be necessary to show the present and future direct impact of untreated waste water discharged from industrial activities and municipal ones from city of Rouse, on Danube quality, especially the impact of the projects on Danube water quality biological elements.
- In the chapter which describes the waste water generated in the industrial processes it should be necessary to present how the quality of treated waste water discharged into Danube should comply with the provisions of the Directive on water quality Acquis (Water Framework Directive, IPPC Directive, amended Council Directive 76/464/EEC of 4 May 1976 *on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community*). It should be necessary to have in mind the central objective of Water Framework Directive to achieve the “good water status” in European area, until 2015 which correspond to the second class of quality.
- Regarding the presentation of management of industrial and domestic waste water from “Supplemented Terms of Reference” of EIA report we consider that is not clear the solution that will be adopted regarding treatment of waste water in a single waste water treatment plant for each project or a common waste water treatment plant, with two lines (one for industrial waste water, the other for domestic water) for the two projects from site 1.
- Regarding the protection of industrial plants against floods we consider that “200 mm high protective embankment” is not sufficient (maybe it is 200 cm high and is an error in writing). (page 10)
- Within the chapter 5.4 *Cross-border Impact*: it is necessary to present the potential impact of the projects on the natural reservation Cama-Dinu-Pasarica (which includes the islands Cama, Dinu and Pasarica; the status of protected area has been established by the Governmental Decision no 1143/18.09.2007). Within the Romanian - Bulgarian transboundary cooperation PHARE Program, started in 1999 (based on the European Commission Regulation no 2760/1998, amended by CE Regulation no 1956/2002 and Regulation no 1822/2003, regarding the transboundary cooperation programs within the PHARE program) the integrated monitoring of the Cama Dinu reservation from Giurgiu-Rouse area has been mentioned.
- Regarding that the low sulfur crude oil processing plant will be ruled according to BAT and the bio-diesel factory should be associated with a chemical synthesis factory, the potential cumulative impact of both projects should be further developed.
- In order to quantify the cumulative transboundary impact it is necessary to present the situation of the atmospheric fronts and of the winds in the area, air currents orientation and their influence in case of atmospheric pollution in the area with volatile chemical compounds, as well as the potential negative effects on the Romanian side: Mocanu island, Giurgiu and Oinacu towns.
- A special chapter concerning the waste management of all types of waste on the site of the investment;
- The location of the discharging waste water system into the Danube;
- Emergency plans in case of polluting the Danube in case of accidents.
- The EIA Report must present an outline of the monitoring programme, including a description of the auto-monitoring installation of pollutant emissions in the atmosphere (the type of the equipment used and the monitored pollutant).

- The dates obtained with the existing monitoring stations in the Bulgarian-Romanian joint system of monitoring for Rouse-Giurgiu area to be used for assessing the effect on air quality for the new investment.
- The forecasts concerning the cumulative impact on air quality to be done both for the period of construction and operation.
- Assess the cumulative effect of the new investment on the air quality in the area and how *Joint Air Quality Management Program for the Bulgarian-Romanian area border in the low Danube Basin, Rouse-Giurgiu area* addresses this issue. If it is the case take into consideration the possibility of updating this Program (measures, actions, responsibilities, deadlines)
- Forecasts concerning the cumulative impact on air quality, for the operation period 2008-2015, should include also, maps for dispersion modeling of the pollutants in the atmosphere of Ruse area. The maps should present the geographical position of the industrial polluting sources from all Rouse area.
- How does low sulphur crude oil used for the operation of the refinery respect the provisions of *Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC*
- Describe the conditions for the tank storages that ensure the observance of the *Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations*
- Take into consideration the major-accident prevention policy, corresponding at the „low level risk Seveso establishment”, according the *Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances*
- The chapter 5.4 dedicated to Cross- border impact must develop and demonstrate, based on scientific knowledge, the remark: ”there is no cross-border pollution to be anticipated” and must indicate the level of the emissions
- Dispersion of pollutants
- Considering the activities are under the IPPC Directive which are the limit values for main pollutants
- The “Matrix for assessment of the potential impacts in case of realization of the Investment Proposal” at the page 42, should include the transboundary impact.

Please accept, Mr. Deputy Minister, the assurance of my highest consideration and esteem.

**Sincerely yours,**

**Silviu STOICA**

**STATE SECRETARY**



# Natura 2000 sites

- Legend:
- Counties
  - Special Conservation Areas
  - National and Natural Parks
  - Natural Protection Areas
  - Localities
  - Special Protection Areas
  - Sites of Community Importance

20000 0 20000 40000 Meters

